PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , JUNE 13 , 1989

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING June 13, 19 89, IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Absent, BURNS P, GiaQUINTA Absent,
HENRY P, LONG P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR May 23, , 1989,
, 19 ,
SPECIAL , 19 ,
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of June, 1989, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of June, 1989.

SEK/me.

SANDRA E. KENNEDY, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

31 May 1989

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-09-02

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
31 day of May 1989.

Robert Hutner
Secretary

FACT SHEET

Z-88-09-02
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1510 Ludwig Road

Reason for Project
Professional Office Development

Discussion (Including relationship to other Council actions)

19 September 1988 - Public Hearing

James K. Stovall, representing the petitioners, James W. & Louise Stovall, appeared before the Commission. Mr. Stovall stated that they were requesting the rezoning in conjuntion with submitting a development plan for the purpose of constructing an office for their construction business. He stated the only problem they had with the staff recommendation is the limiting of no access from Ludwig Road. He stated that without access from Ludwig Road this property would be isolated.

Gary Baeten, Senior Planner with CD&P, stated that there had been some discussion with the State on access to Mr. Stovall's property on S.R. #3. He stated that there is a commitment that all of the property that they own on S.R. #3 is to be served by the access, which is presently installed for the Wholesale Club. He stated that Mr. Stovall owns all of the property with the exception of the property that has been purchased by the Wholesale Club.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** James & Louise Stovall **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [ ] For [X] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Mr. Stovall stated that they have plans to sell that property and retain ownership only on the property where they build their office.

Mr. Baeten stated they may be able to solve the access problems with an ingress/egress easement across the property.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

26 September 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioners satisfying the following items:

1) An avigation easement is required by the Airport Authority. This easement should be in a form acceptable to that body, and the petitioner should be aware that construction on this site should be reviewed by the Airport Authority, and possibly the FAA.

2) No access should be allowed from Ludwig Road. Access should be achieved from other properties owned by the petitioner. This restriction should be put in a recordable form, and approved by the Plan Commission's attorney. A copy of the recorded easement should be provided that addresses ingress/egress concerns.

3) A landscape buffer should be planted along the Ludwig Road frontage, a minimum of 30 fee deep. This buffer should be approved by CD&P.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote. Motion carried.

NOTE: This ordinance has been held until the petitioners satisfied the conditions.

22 May 1989 - Business Meeting

The petitioner was given six months in which to comply with the conditions that were placed on this request on September 26, 1988. As of this date the petitioner had not complied with those conditions. The petitioner was notified on May 9, 1989 that this request would be placed on the business agenda of the Plan Commission for the May 22nd meeting. He was informed that the Commission would be asked to reconsider, and and recommend a "Do Not Pass" recommendation.

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 8-19-88

Projected Completion or Occupancy Date 5-31-89

Fact Sheet Prepared by Date 5-31-89
Patricia Biancaniello

Reviewed by Date 6-1-89
Larry Maglio

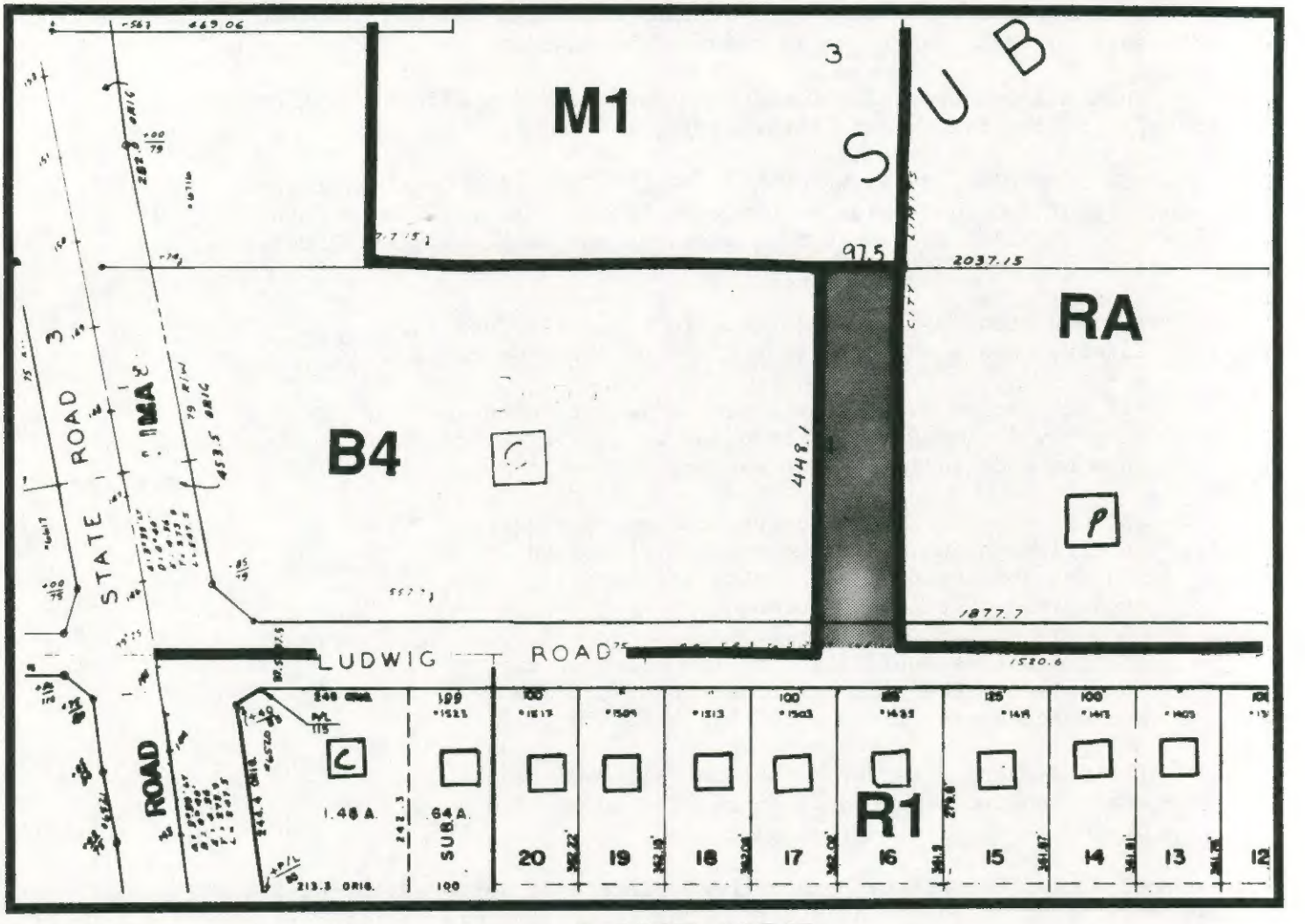
Reference or Case Number

REZONING PETITION #367

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A POD DISTRICT.

MAP NO. K-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTAL DISTRICT

RA RESIDENCE "A"

B4 ROADSIDE BUSINESS

M1 LIGHT INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

[C] *COMMERCIAL*

[P] *PUBLIC (Airport)*

lw

N

SCALE: 1" = 200'

DATE: 8-27-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 13, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-09-02;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1989.

Certified and signed this
31st day of May 1989.

Robert Hutner
Secretary

James K. Stovall, agent for James W. and Louise J. Stovall, requests a change of zone from R-1 to P.O.D.

Location:	1510 Ludwig Road		
Legal:	See File		
Land Area:	Approximately 1 acre		
Zoning:	R-1		
Surroundings:	North	M-1	Residential & Commercial
	South	R-1	Single Family Residential
	East	RA	Airport
	West	B-4	Commercial
Reason for Request:	Office use		
Neighborhood Assoc.:	None (Across from Ludwig Park boundaries)		
Landscape:	Provide a landscape buffer along the south property line sufficient to screen future development from the view of residences to the south.		
Neighborhood Plan:	No Comment		
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the North Sector, where this request is located, is for orderly growth. Commercial (or office) uses at this location are consistent with the Comprehensive Plan and compatible with surrounding land uses, if the airport needs are addressed.		

Planning Staff Discussion:

The Plan Commission is aware of the recent commercial development along the Lima Road corridor, both under the City and the County's jurisdiction. The petitioned parcel is located between a commercial development, The Wholesale Club, and the Smith Field Airport. The south side of Ludwig Road is single family residential.

Obviously we are concerned with the proximity of this parcel to the airport, and the potential impact of any development. The

use of this land for residential purposes, as would be permitted under the current classification, may not be the best alternative. The Comprehensive Plan indicates that commercial development and/or professional office uses can be supported. Commercial or office development generally offers less conflicts with airport locations than residential development would.

One of the major consideration that has to be examined in this petition is its impact on the airport. We understand that the petitioner has met with representatives of the Airport Authority, and has discussed their development potential. They are apparently in agreement regarding airport concerns, and required easements and procedures. Office use of the land typically implies set hours of operation, lower densities, and less conflict with airport designs and operations.

Another concern that needs to be addressed is the potential impact on the residential neighborhood. That impact can be softened with appropriate landscape buffering, and the elimination of any new access onto Ludwig Road. The proposal to limit use to those of a professional office nature will additionally soften the overall impact on the residential subdivision to the south.

Recommendation: Conditional Approval, contingent upon the petitioners satisfying the following items:

1) An avigation easement is required by the Airport Authority. This easement should be in a form acceptable to that body, and the petitioner should be aware that construction on this site should be reviewed by the Airport Authority, and possibly the FAA.

2) No access should be allowed from Ludwig Road. Access should be achieved from other properties owned by the petitioner. This restriction should be put in recordable form, and approved by the Plan Commissions attorney. A copy of the recorded easement should be provided that addresses ingress/egress concerns.

3) A landscape buffer should be planted along the Ludwig Road frontage, a minimum of 30 feet deep. This buffer should be approved by C.D. & P.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

30 May 1989

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

BILL NO. G-89-05-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of May 1989.

Robert Hutner
Secretary

FACT SHEET

G-89-05-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Street Vacation Ordinance		

DETAILS

Specific Location and/or Address

Hall Street

Reason for Project

To allow for an addition to Hall's Restaurant on Lima Road.

Discussion (Including relationship to other Council actions)

15 May 1989 - Public Hearing

Bud Hall, petitioner, appeared before the Commission. Mr. Hall explained that the vacation had been requested in conjunction with a request for a building permit. He stated that when they applied for the permit it was discovered that they would not have enough of a setback from Hall Street for their new addition. He stated that they own all of the property adjacent to Hall Street. He stated that the street was put in due to an agreement between his fater the late Don Hall and Mr. Jim Wall, the owner of the Rollerdome. He stated that Mr. Wall was at the meeting and that he had worked out an agreement with him for access purposes. He stated that the street will not physically be closed.

Jim Wall appeared before the Commission and stated that he had spoken with Mr. Hall and that he was in agreement with the vacation.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Halls Drive In Restaurants City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

22 May 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as necessary.

Of the eight (8) members present, seven (7) voted in favor of the motion one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 13 April 1989

Projected Completion or Occupancy Date 31 May 1989

Fact Sheet Prepared by Date 31 May 1989

Patricia Biancaniello

Reviewed by Date 6-1-89

Larry Maglio

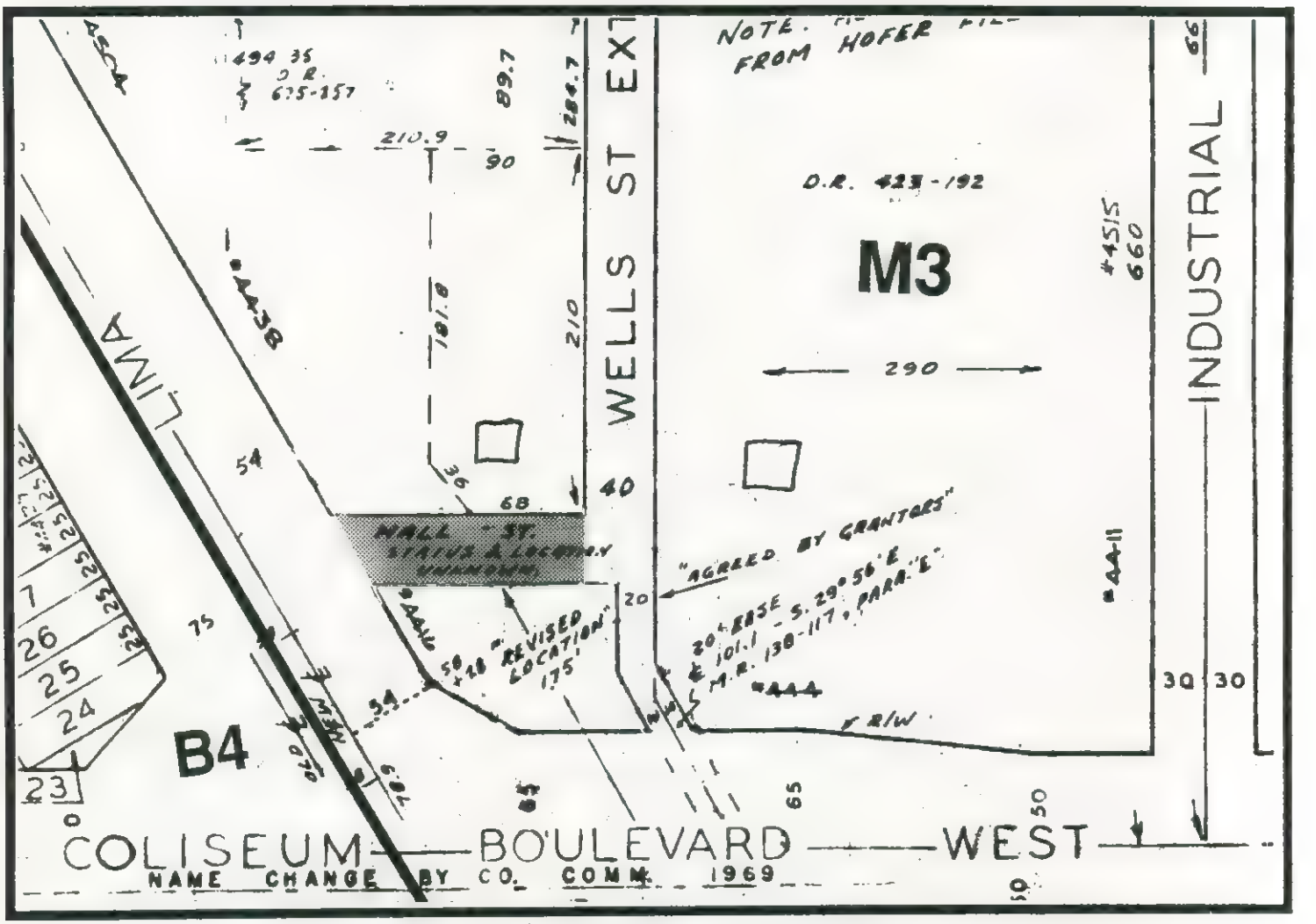
Reference or Case Number

VACATION PETITION #390

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC STREET.

MAP NO. **L-30**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

M3 HEAVY INDUSTRY

B4 ROADSIDE BUSINESS

LAND USE:

☐ *COMMERCIAL*

SCALE: 1"=100'

DATE: 4-14-89

Halls Drive-in Restaurants, Inc. requests the vacation of a public street.

Location:	Hall Street from Wells St. Extended to Lima Road.
Legal:	See File
Land Area:	Approximately 5800 Sq. Ft.
Zoning:	M-3

Surroundings:			
	North	M-3	Commercial
	South	M-3	Commercial
	East	M-3	Commercial
	West	M-3	Commercial

Reason for Request: Addition to existing restaurant.

Neighborhood Assoc.: None

Neighborhood Plan: No comment

Landscape: No comment

Comprehensive Plan: No comment

Planning Staff Discussion:

The petitioners state that they are the only owners of property on either side of the right-of-way. They are proposing an addition to their existing restaurant that would total about 685 feet. This addition would include additional seating, remodeling of the toilet facilities, a new entrance, coat room and waiting area.

It does not appear that this right-of-way is necessary to ingress/egress concerns now or in the future. Vacation should not hinder anyones access to a public way or public place, and in fact its vacation may be in the best interest of the city, as it would add to the tax base.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements or relocations as may be needed.

Vacation Petition
Hall Drive-in Restaurants, Inc.

1) Approval will not hinder public access to any public way or public place.

2) Approval will not negatively impact adjacent property values.

3) The right-of-way is not necessary for ingress or egress concerns.

RESOLUTION 78-67-2

WHEREAS, HALLS DRIVE IN RESTAURANTS INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street situated in Fort Wayne, Allen County, to-wit:

> Commencing at the Northwest corner of Hall Street and the East right of way line of Lima Road; thence Easterly along the North right of way line of Hall Street to the West right of way line of Wells Street Extended; thence South along the West right of way line of Wells Street Extended to a point on the South right of way line of Hall Street; thence Westerly along the South right of way line of Hall Street to the East right of way line of Lima Road; thence Northwesterly along said East right of way line of Lima Road to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 24, 1989 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 24th DAY OF May 1989

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer

Angela S. Derheimer
Director of Public Works

RESOLUTION

WHEREAS, HALLS DRIVE IN RESTAURANTS INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street in Fort Wayne, Allen County, to-wit:

> Commencing at the Northwest corner of Hall Street and the East right of way line of Lima Road; thence Easterly along the North right of way line of Hall Street to the West right of way line of Wells Street Extended; thence South along the West right of way line of Wells Street Extended to a point on the South right of way line of Hall Street; thence Westerly along the South right of way line of Hall Street to the East right of way line of Lima Road; thence Northwesterly along said East right of way line of Lima Road to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on May 15, 1989 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 22 May 1989, and as the same appears of record in the official records of said Plan Commission.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

30 May 1989

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

BILL NO. G-89-05-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of May 1989.

Robert Hutner
Secretary

FACT SHEET

G-89-05-10
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Alley Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

East/West alley between Harrison & Cass Streets.

Reason for Project

To eliminate vandalism to the adjacent property owners buildings.

Discussion (Including relationship to other Council actions)

15 May 1989 - Public Hearing

David Stuckey, attorney for the petitioners LGL Properties appeared before the Commission. Mr. Stuckey stated that his clients own the entire block that the alley intersects with the exception of the property on the northwest corner of the block and they have joined in the petition. Mr. Stuckey stated they are requesting the vacation in order to eliminate the vandalism that goes on in the alley. He stated that LGL has fenced in their properties in an effort to eliminate the vandalism, with the exception of the alley. He stated that the alley is not utilized by anyone except for LGL and that the petitioners are willing to grant any easement necessary if the vacation is granted.

There was no one else who spoke in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) LGL Properties City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[x] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

22 May 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as necessary.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 27 March 1989

Projected Completion or Occupancy **Date** 31 May 1989

Fact Sheet Prepared by **Date** 31 May 1989

Patricia Biancaniello

Reviewed by **Date** 5/31/89

Larry Maglizzi

Reference or Case Number

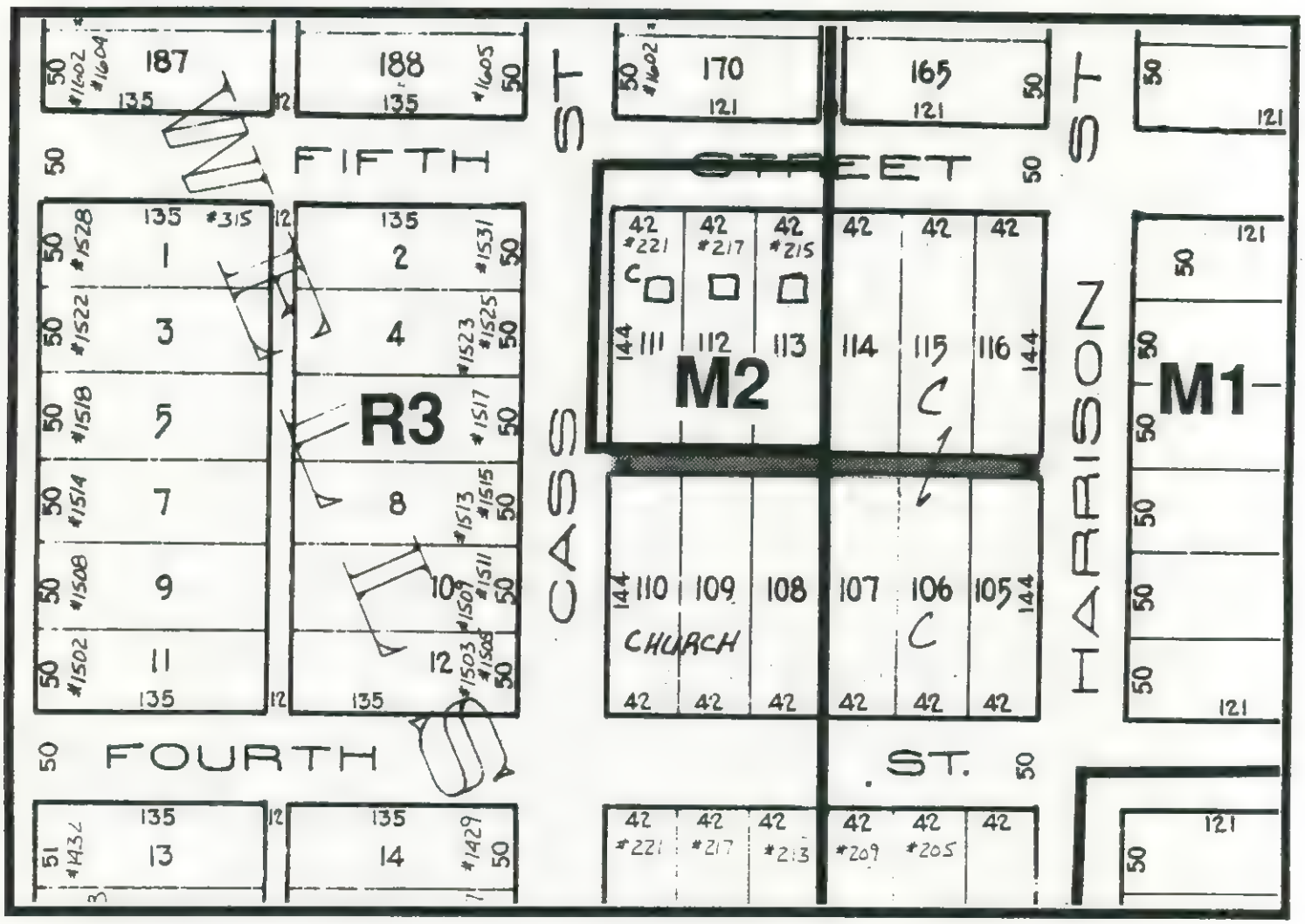
~~#~~ 389

VACATION PETITION

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. **L-10**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

M2 GENERAL INDUSTRY

M1 LIGHT INDUSTRY

R3 RESIDENTIAL

LAND USE:

☐ *COMMERCIAL*

SCALE: 1"=100'

DATE: 4-14-89

LGL Properties requests the vacation of public right-of-way.

Location:	The east/west alley between Cass and Harrison Streets south of Fifth Street.		
Legal:	See File		
Land Area:	Approximately 3000 Sq. Ft.		
Zoning:	Mix of M-1, M-2 and R-3		
Surroundings:	North	M-2	Commercial
	South	R-3	Church
	East	M-1	Commercial
	West	R-3	Residential
Reason for Request:	To prevent vandalism and theft.		
Neighborhood Assoc.:	Northwest Central		

Landscape:	No comment.
Comprehensive Plan:	No comment.
Neighborhood Plan:	This location is within the Northwest Bloomingdale Neighborhood Plan. The plan makes no recommendations regarding vacations.

Planning Staff Discussion:

The petitioners state that people are using this alley access to subject petitioners to vandalism and theft. They further state that there is a building which opens up directly onto the alley, thereby creating a traffic hazard.

Petitioners are the only owners of real estate bordering both sides of the alley, and the alley does not appear to be necessary as ingress or egress to other properties.

Overhead utilities are located in the alley, and would have to be relocated, or have new easements granted. The alley does serve as access to the properties owned by the petitioners. However, it does not appear that any other citizens would be negatively impacted by the vacation. (There is a church on the corner of Fourth and Cass Streets that has a small parking lot located behind the building off of the alley. This property is owned by the petitioners, so we assume that any access needs will be addressed.)

Alley Vacation
LGL Properties

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements or relocations as may be needed.

1) Approval will not hinder public access to any public way or public place. (The church located at the corner of Fourth and Cass is on property owned by the petitioners.)

2) Approval will not negatively impact adjacent property values.

3) The right-of-way is not necessary for ingress or egress concerns.

RESOLUTION 78-67-3

WHEREAS, LGL PROPERTIES, A PARTNERSHIP BY GARY L. BROWN, PARTNER, DEAN AND ORPHA MACALPINE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

> Commencing at the NW corner of Lot 110 in Northside Addition as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana, then North to SW corner of Lot 111 in Northside Addition, thence East along the South boundary of Lot 111, 112, 113, 114, 115, and 116 in Northside Addition to the SE corner of said Lot 116, thence South to the NE corner of Lot 105 in Northside Addition, thence West along the North boundary of Lots 105, 106, 107, 108, 109 and 110 of Northside Addition to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 24th 1989 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 24th DAY OF May 1989

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer

Angela S. Derheimer
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, LGL PROPERTIES, A PARTNERSHIP BY GARY L. BROWN, PARTNER, DEAN AND ORPHA MACALPINE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

> Commencing at the NW corner of Lot 110 in Northside Addition as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana, then North to SW corner of Lot 111 in Northside Addition, thence East along the South boundary of Lot 111, 112, 113, 114, 115, and 116 in Northside Addition to the SE corner of said Lot 116, thence South to the NE corner of Lot 105 in Northside Addition, thence West along the North boundary of Lots 105, 106, 107, 108, 109 and 110 of Northside Addition to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on May 15, 1989 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 22 May 1989, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF May 1989

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

82/89/E and 83/89/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 82/89/E and 83/89/E

I hereby certify that I did this 31st day of May, 1989 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 82/89/E

(Adopted May 24, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

1 HOUR PARKING 8 AM TO 6 PM (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 17, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 24, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

1 HOUR PARKING 8 AM TO 6 PM (EMERGENCY)

Calhoun Street	--west side--	from 30' south of Woodland Avenue to 65' south thereof

REGULATORY RESOLUTION NO. 83/89/E

(Adopted May 24, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 22, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 24, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (EMERGENCY)

Kingsley Drive	--both sides--	from Vance Avenue to Woodstock Drive

A RESOLUTION honoring South Side
High School on the occasion of winning the
1989 State Girls Track and Field Championship

WHEREAS, the South Side Archers girls track team competed in the State girls track and field championship on Saturday, June 3, 1989; and

WHEREAS, the South Side Archers girls track team won the team title in the State girls track and field championship meet on said date; and

WHEREAS, in winning said championship members of the South Side Archers girls track team brought great honor to South Side High School, and to the citizens of Fort Wayne; and

WHEREAS, this championship represents South Side High School's fourth title in the sixteen year history of the meet, the Archers having won the championship in 1980, 1985 and 1986; and

WHEREAS, Common Council of the City of Fort Wayne wishes to recognize the accomplishments of the members of this team and their coach, Bobbi Widmann-Foust; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

1. That the Common Council of the City of Fort Wayne by unanimous vote recognizes and congratulates the members of the South Side Archers girls track team and its coach, upon the achievement of winning the 1989 State Girls Track and Field Championship on June 4, 1989.

2. That a copy of this Resolution be presented to South Side High School, and its coach in deserved recognition of the great honor the team and coach has brought to South Side High School, and the City of Fort Wayne.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

Stanley A. Levine
Legal Advisor to the Common Council

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE ON THE OCCASION
OF COUNCILMAN JIMMY STIER'S RETIREMENT

WHEREAS, Jimmy Stier, Councilman from the 6th District of the City of Fort Wayne has announced his retirement and resignation as a member of the Common Council of the City of Fort Wayne; and

WHEREAS, Jimmy Stier has been a member of the Common Council of the City of Fort Wayne for seventeen (17) years; and

WHEREAS, Jimmy Stier has been elected as Councilman for the 6th Councilmanic District of the City of Fort Wayne for five (5) consecutive elections beginning in 1971; and

WHEREAS, Jimmy Stier has served with distinction as President of the Common Council of the City of Fort Wayne, as Vice-President, and as Chairman of its major committees; and

WHEREAS, Jimmy Stier has represented the interests of the residents of the 6th District with extraordinary care, diligence, sincerity, and perseverance; and

WHEREAS, Jimmy Stier, by his efforts as a member of the Common Council of the City of Fort Wayne, and the legislation he has supported, has, indeed, enhanced the quality of life in the neighborhoods in his district, as well as in all residential neighborhoods in the City of Fort Wayne; and

WHEREAS, Jimmy Stier, in his years of service as a member of the Common Council of the City of Fort Wayne has pursued with vigor his sincere and heartfelt concern for not only the residents of the 6th District whom he has ably represented, but for all of the citizens of this City; and

WHEREAS, by his example, Jimmy Stier has exemplified the highest form of true public service; and

WHEREAS, in recent years, Jimmy Stier has valiantly and tirelessly carried out the duties of his office, despite handicaps of serious illnesses;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

1. That the Common Council, by unanimous vote, recognizes the honorable manner in which Jimmy Stier has served as a member of the Common Council of the City of Fort Wayne, and as representative of the 6th Councilmanic District.

2. The Common Council accepts with extreme reluctance, the resignation of Jimmy Stier as a member of this Common Council, and his retirement.

3. The Common Council, by the passage of this resolution, recognizes that by his seventeen years of service, Jimmy Stier has brought honor and distinction to his family, to the Common Council of the City of Fort Wayne, to the residents of the 6th Councilmanic District who he has ably represented, and to all of the citizens of Fort Wayne.

4. That the members of the Common Council of the City of Fort Wayne wish Jimmy Stier well on all of his future endeavors.

5. That this Resolution shall become a part of the record and journal of the Common Council of the City of Fort Wayne.

6. That a copy of this Resolution be presented to Jimmy Stier as a token of the genuine esteem and respect held for him by the members of the Common Council, and as a token of our good will.

7. That by this Resolution, expressing their heartfelt sentiments, the members of the Common Council recognize, with all due respects to his successor in office, recognize that Jimmy Stier, as a distinctive personality, with his outstanding qualities of leadership, passion for the principles he has advanced, vigor and wit, is truly irreplaceable, and his presence as a member of this Council will be sorely missed.

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Approved as to form and legality:

Stanley A. Levine
Legal Advisor to the Common
Council of the City of Fort Wayne

City Clerk

Dated this 13th day of June, 1989